



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THR CALIFORNIA, L.P., A DELAWARE
LIMITED PARTNERSHIP,

Plaintiff,

vs.
RAFAEL ACEVEDO, et al.,

Defendants.

CASE NO. CV 13-9256 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily, because it was removed improperly.

On December 17, 2013, Oscar Lopez, who asserts that he is a defendant in what appears to be a routine unlawful detainer action in California state court,¹ lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the application under separate cover, because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

¹ Mr. Lopez is not named as a defendant in the complaint he seeks to remove.

1 There is no basis for concluding that this unlawful detainer action could have been
2 brought in federal court in the first place, in that Mr. Lopez does not competently allege
3 facts supplying either diversity or federal question jurisdiction, and therefore, removal is
4 improper. 28 U.S.C. § 1441; *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S.
5 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Even if complete diversity of
6 citizenship exists, the amount in controversy does not exceed the diversity jurisdiction
7 threshold of \$75,000; indeed, the unlawful detainer complaint expressly alleges that the
8 amount demanded “does not exceed \$10,000.” *See* 28 U.S.C. § 1332. Further, plaintiff’s
9 unlawful detainer complaint does not raise any federal legal question. *See* 28 U.S.C.
10 §§ 1331, 1441(a).

11 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the Superior
12 Court of California, Los Angeles County, Chatsworth Courthouse, 9425 Penfield Avenue,
13 #1200, Chatsworth, CA 91311, for lack of subject matter jurisdiction pursuant to 28
14 U.S.C. § 1447(c); (2) the Clerk shall send a certified copy of this Order to the state court;
15 and (3) the Clerk shall serve copies of this Order on the parties.

16 IT IS SO ORDERED.

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18 DATED: 1/230/13

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21 GEORGE H. KING
CHIEF UNITED STATES DISTRICT JUDGE
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